

Committee in accordance with section 408(e) of the FFDCA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 0E3907/P588]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines "significant" as those actions likely to lead to a rule (1) having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: October 3, 1994.

Stephen L. Johnson,
Director, Registration Division, Office of
Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.317, by amending paragraph (a) in the table therein by adding and alphabetically inserting the commodity radicchio greens (tops), to read as follows:

§ 180.317 3,5-Dichloro-N-(1,1-dimethyl-2-propynyl)benzamide; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * *	*
Radicchio greens (tops)	2.0
* * *	*

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[FR Doc. 94-26469 Filed 10-26-94; 8:45 am]
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40 CFR Part 300

[FRL-5095-9]

National Oil and Hazardous Substances Pollution Contingency Plan; The National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent to Delete the Boise Cascade/Onan/Medtronics Site from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA), Region V announces its intent to delete the Boise Cascade/Onan/Medtronics Site from the National Priorities List (NPL) and requests public comments on this action. The NPL is appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. This action is being taken, because all Fund-financed response actions under CERCLA have been implemented and

EPA, in consultation with the State of Minnesota, has determined that no further response is appropriate. Moreover, EPA and the State have determined that remedial activities conducted at the site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning the proposed deletion may be submitted November 25, 1994.

ADDRESSES: Comments may be mailed to Gladys Beard (HSRM-6J) Associate Remedial Project Manager, Office of Superfund, USEPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604. Information on the site is available at USEPA and at the local information repository located at: Minnesota Pollution Control Agency Public Library, 520 Lafayette RD, St. Paul, MN 55155-4194. Requests for comprehensive copies of documents should be directed formally to Region V's Docket Officer. The address for the Region V Docket Office is Jan Pfundheller (H-7J), USEPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-5821.

FOR FURTHER INFORMATION CONTACT: Gladys Beard (HSRM-6J) Associate Remedial Project Manager, Office of Superfund, USEPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886-7253; or Cherly Allen (P-19J), Office of Public Affairs, USEPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-6196.

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I. Introduction

The U.S. Environmental Protection Agency (USEPA) Region V announces its intent to delete the Boise Cascade/Onan/Medtronics Site from the National Priorities List (NPL), appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR part 300 (NCP), and requests comments on the proposed deletion. The EPA identifies sites which appear to present a significant risk to public health, welfare or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Superfund (Fund) financed remedial actions. Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for additional Fund-financed remedial actions in the unlikely event that

conditions at the site warrant such action.

The USEPA will accept comments on this proposal for thirty (30) days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the history of this site and explains how the site meets the deletion criteria.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist in Agency management.

II. NPL Deletion Criteria

The NCP establishes the criteria the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, USEPA will consider, in consultation with the State, whether any of the following criteria have been met:

- (i) Responsible parties or other persons have implemented all appropriate response actions required;
- (ii) All appropriate Fund-financed response actions under CERCLA have been implemented, and no further response action by responsible parties is appropriate;
- (iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, remedial measures are not appropriate.

III. Deletion Procedures

Upon determination that at least one of the criteria described in § 300.425(e) has been met and if the State has concurred with the intent to delete EPA may formally begin deletion procedures. This **Federal Register** notice, and a concurrent notice in the local newspaper in the vicinity of the site, announces, the initiation of a thirty day comment period. The public is asked to comment on USEPA's intention to delete the site from the NPL. All critical documents needed to evaluate EPA's decision are generally included in the information repository and the deletion docket.

Upon completion of the public comment period, if necessary, the EPA Regional Office will prepare a Responsiveness Summary to evaluate and address comments that were

received. The public is welcome to contact the EPA Region V Office to obtain a copy of this responsiveness summary, if one is prepared. If USEPA then determines that deletion from the NPL is appropriate, a final notice of deletion will be published in the **Federal Register**.

IV. Basis for Intended Site Deletion

The Boise Cascade/Onan/Medtronics Superfund Site covers 183 acres and is located in the City of Fridley in Anoka County in the state of Minnesota. From approximately 1921 through 1961, National Pole and Treating Company and its affiliate, Minnesota and Ontario Paper Company (M&O) operated a wood treating facility at the site. Initial operations included the use of creosote treatment of wood for the manufacture of railroad ties and utility poles. In approximately 1958, pentachlorophenol (PCP), another wood preservative, was also used for treating lumber. Wood-treating operations ceased in early 1961. In 1964, M&O merged with the Boise Cascade Corporation (Boise). Boise sold the site in 1967. Subsequently, Medtronics, Inc. acquired 50 acres of the Boise Cascade property located to the west and south, and Onan, Inc. acquired 133 acres of the site to the north and east.

In 1979, Onan began excavation for construction purposes and encountered large quantities of creosote and PCP saturated soil. Similar deposits were subsequently discovered on the Medtronics portion of the Site. Wood-treating operations had contaminated soils and groundwater with creosote and PCP by spillage, dripping, and wastewater disposal.

The Boise Cascade site was placed on the National Priorities List on September 21, 1984, at 49 FR 37066-37090. In conjunction with the Minnesota Pollution Control Agency (MPCA), Boise conducted extensive soil and groundwater investigations from 1979 through 1982. Because the Site's ownership is divided between two different companies, Site investigations at the Boise Cascade Site were conducted separately within the individual property boundaries.

On the Onan property the analyses verified that the major contaminants of concern were creosote derived polynuclear aromatic hydrocarbons (PAHS) and phenolic compounds (phenolics are also derived from PCP). The heaviest concentrations of these substances were found on two areas where significant aspects of the tie treating process had been conducted: (1) The area where the ties were pressure treated in the retorts; and (2) the area

where the ties were left to cool and dry after they were removed from the retorts and before they were loaded onto railroad cars for shipment.

Seven shallow monitoring wells were installed at locations to sample surficial groundwater in the coarse Fridley Formation to determine the Glacial Drift Stratigraphy in the Site area. Heavy concentrations of PAHs were found in the vicinity of the Retort building in an area where tanks were removed in mid-1979. A plume of PAH compounds was found to extend to the southwest of the Retort area; however, the concentrations of PAH compounds decreased by more than two orders of magnitude by the time the plume reached the southern boundary of the Onan property, which was likely due to the attenuation of the PAH compound in the soil system. Phenolics were not present in the samples from the shallow groundwater beneath the Onan property at concentrations above the detection limits with the one exception of 4-methylphenol which was detected in the Retort area.

The Hillside sand aquifer was sampled and found to contain insignificant levels of PAHs and no phenolics compounds. An eight inch diameter bedrock well, uncovered in 1979 during earth moving activities, was investigated. Approximately two feet of creosote sludge was discovered at the bottom of the well. All contaminated soil was excavated and placed in a vault formed by slurry wall and a cap consisting of clean soil and a vegetative cover was constructed over the vault.

The direction of groundwater movement in the surficial groundwater system in the upper portion of the Fridley Formation beneath the Onan property is southwesterly toward Rice and Norton Creeks. Water and sediment samples were collected from two monitoring stations along Norton Creek and from three monitoring stations along Rice Creek. PAH samples were measured above detection limits in the surface water and sediment samples from all sampling stations on Rice and Norton Creeks, including stations upstream of the site, therefore it was impossible to attribute an impact from the Site to the Creeks.

At the Medtronic Property the waste water treatment lagoons were utilized for disposal of the waste waters generated by operations. The waste waters contained quantities of creosote and PCP which subsequently contaminated soils and groundwater beneath the primary and secondary wastewater treatment lagoons and a trench leading to the lagoons. Both the trench and the lagoons were located on

the Medtronics portion of the site, east of Old Central Avenue. Eight shallow soil borings were installed along the waste water trench and around the primary and secondary waste water treatment lagoons. High levels of PAHs and heterocyclics were found. Additionally, about 5000 gallons of free oil were discovered in the vicinity of the primary waste water lagoon.

As with the Site Investigations, remediation at the Boise Cascade Site was conducted separately within the individual property boundaries. The following remedial actions were implemented at the Site:

A slurry wall containment system was constructed around the former retort building. Visually contaminated soil was excavated and placed in a vault formed by a slurry wall, and a cap was constructed over the vault. The excavated areas were backfilled with clean soil. A subdrain system was installed in the former loading area to remove groundwater from the coarse Fridley Formation and discharge it into the City of Fridley sanitary sewer system. A long-term monitoring of groundwater, surface water, and air quality has been ongoing.

At the Medtronics Property on the basis of the investigations above, Boise and Medtronics companies developed a Remedial Action Plan (RAP) to excavate and dispose of visibly contaminated soils on the Medtronics portion of the site. The following Remedial Actions were implemented at the Site:

All the visibly contaminated soil in the two wastewater lagoons and in the trench that was used to convey wastewater from the retort to the lagoons were excavated and disposed of in a hazardous waste facility that had interim status pursuant to RCRA. Excavated areas were backfilled with clean soil. Groundwater that was in contact with and directly beneath contaminated soil was collected, treated and disposed of into the City of Fridley sanitary sewer system. About 5000 gallons of free oil discovered in the vicinity of the primary wastewater lagoon was collected and disposed offsite. Long-term monitoring of groundwater, surface water, sediments, and air quality has been ongoing. A final Close Out Report which documents completion of Site construction, was signed on September 30, 1992.

EPA, with the concurrence of the State of Minnesota, has determined that all appropriate Fund-financed responses under CERCLA at the Boise Cascade/ Onan/ Medtronics Site have been completed, and no further Superfund response is appropriate in order to

provide protection of human health and the environment.

Dated: October 6, 1994.

David A. Ullrich,

*Acting Regional Administrator, USEPA,
Region V*

[FR Doc. 94-26383 Filed 10-25-94; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 94-121 RM-8530]

Radio Broadcasting Services; Nashville, NC

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Eternal Lamp, Inc., seeking the allotment of Channel 259A to Nashville, NC, as the community's first local aural transmission service. Channel 259A can be allotted to Nashville in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 35-58-12 North Latitude and 77-58-00 West Longitude.

DATES: Comments must be filed on or before Dec. 12, 1994, and reply comments on or before December 27, 1994.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Tom Marino, President, Eternal Lamp, Inc., P.O. Box 8224, Rocky Mount, NC 27804 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 94-121, adopted October 12, 1994, and released October 21, 1994. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239) 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

John A. Karousos,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

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INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1039 and 1145

[Ex Parte No. 346 (Sub-No. 36)]

Rail General Exemption Authority— Exemption of Non-Ferrous Recyclables And Railroad Rates on Recyclable Commodities

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rulemaking; extension of comment due date.

SUMMARY: By decision served August 23, 1994 (59 FR 43529, August 24, 1994), the Commission sought public comment by September 23, 1994, on a proposal to exempt partially from regulation the rail transportation of certain non-ferrous recyclables. The due date for comments was subsequently extended to October 24, 1994 (59 FR 47292, September 15, 1994). The Association of American Railroads and the Institute of Scrap Recycling Industries, Inc., require additional time to prepare and coordinate the witness statements and the joint comments and request an extension of the due date until November 7, 1994. The request is reasonable; therefore, the extension will be granted.

DATES: Comments must be received by November 7, 1994.

ADDRESSES: Send an original and 10 copies of the comments referring to Ex Parte No. 346 (Sub-No. 36) to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.